

## MINUTES OF A REGULAR MEETING

### BROOKLYN CITY COUNCIL

**March 12, 2012**

**7:00 p.m.**

Present: Ron Van Kirk  
Colleen Gallagher  
Katie Gallagher  
Kevin Tanski  
Tom Murphy  
Tony DeMarco  
Kathy Pucci

Absent: None

Pledge of Allegiance.

President DeMarco gave a general overview of the purpose of the Council meeting and to highlight some of the items from Council Rules. The purpose of the meeting is to conduct the business of the city in a public forum. At the Organizational Meeting implemented changes to Council Rules were implemented (paraphrased): *The President shall preserve order and decorum and prevent the impugning of personalities or of members' motives, confine members in debate to the question under discussion, decide all points of order. Citizens, visitors refrain from speaking while Council's in session, except during public session. Unauthorized remarks or verbal, non-verbal outbursts causing disruption/interruption shall not be permitted. Any person who does shall be reprimanded by President, and if it continues they shall be removed from the meeting. When in session, cell phones, other devices shall not be used, and turned off or silenced. Rule 15, Public Participation. Participants address Council when speaking, and no public session participant will be allowed to engage in any debate with a member of Council, administration or any other member of the audience. The President may not recognize anyone who attempts to speak from anywhere other than podium. Participation limited to five minutes per person. Participants shall observe same rules of decorum and good conduct applicable to members of Council must be courteous in language and avoid personalities. Anyone making personal attacks, profane or slanderous remarks, or becomes disruptive or combative while addressing Council, or while attending a meeting, shall be reprimanded or removed.* He also informed that copies of the Rules are available.

#### **DISPOSAL OF MINUTES:**

There were no minutes available for approval due to the Clerk being on vacation the previous week.

#### **PUBLIC SESSION:**

*Mary Lee Bowen* of 4783 Tiedeman Road. Said at the Organization mtg, it was stipulated verbatim Council minutes could be eliminated because video recordings of meetings will be on the city website, but it has not happened. Minutes are condensed but video is not available to view yet. She's looking for an explanation and a firm date when they will be available. Also, there are no calendar entries or newsletter on the city website. She asked if Council was trying to keep residents in the dark about activities. People can contact her if they wish.

*Rob Slattery* of 4396 W. 62<sup>nd</sup> St. In regard to the new policy set at the beginning of the year, believes it is selectively enforced, self-serving, and a form a censorship. Two weeks ago he was stopped speaking on a subject, and later a Councilmember spoke about that same subject. Then another Councilperson criticized the city on how it dealt with the Animal Shelter. He was told there was no back and forth between citizens and directors, yet the person after him did just that, and received an answer from a director. Violations of policy, selectively enforced. Received info Friday on a request he made months ago about the BAS investigation, and read there were multiple violations of Codified Ordinances, and had further questions and comments on the report and if charges are pending.

*Lynn Wieland* of 4201 Dawnciff Dr. She thanked for paving Dawnciff. Commented on the proposed wage reduction for the non-union employees, and thinks it's ludicrous to balance the budget on these employees.

**REPORTS OF COMMITTEES, COMMISSIONS & BOARDS:**

Finance Committee (Chairman DeMarco): Met at 6:15 this evening. Recommended Council authorize expenditure of \$6,761 for computer hardware, materials and labor for a project at the Rec Center. Recommended approval of Ords. 2012-14, 2012-16, 2012-17 and 2012-18.

Recreation Board (Councilman Tanski): Asked Mgr. McGinty if there's been an answer on an instructor for Silver Sneakers. Mgr. McGinty said not yet, but the person is looking to be certified in Ohio. He also asked that she look into reimbursement for the salary of the instructor. Had numerous conversations with Youth Opportunities to see if there will be funds from the county for wages for part-timers at the Rec Center or Service Dept, and is expecting an answer in a month. The next Rec Board mtg will be Monday, March 19<sup>th</sup> at 6:30 in the Mayor's Court.

Public Safety & Environmental (Chairman Murphy): The Committee met last Wednesday for: 1, hoarding; 2, central dispatch; 3, privatization of ambulance service. The Council will look to address hoarding as a standalone issue, and ask for relative and neighbor help for this. Central dispatch will be looked at by the police and fire and other cities, but it is complicated by different issues. Many firefighters attended for the privatization of ambulance services, and many problems were pointed out with this approach. The consensus is that the issue is fraught with danger and not worthy of further discussion. Money issues and quality of response were major issues. The Committee will be looking into cooperation with other cities, and asked he or a Committee member be contacted with ideas or discussion.

Bd. of Zoning Appeals (Comm. Ockington): The next meeting will be held March 15, 2012 at 7 p.m. in the Mayor's Court room to hear a request from a resident for a 15 foot side yard setback variance for an emergency generator at 7570 Northcliff.

**REPORTS OF COUNCIL:**

**Ron Van Kirk:** Welcomed Menchie's to Brooklyn. Said the Safety Comm. mtg held last week was informative and included much information gathering. Received a copy of the BAS police report from Chief Mielke, which he has reviewed a large portion of, but still has more to go through. Urges the Mayor and administrative to look at all material and sit down with BAS trustees to work it out. Past month the Council has been working on the 2012 budget, and thanks all directors, employees for time and work on this. Due to increased income tax the General Fund balance is healthy, and commends the Mayor, but cannot support the Ordinances for notes. He feels we should pay off all of our current debt on the notes and not acquire additional debt, and we should be able to maintain our rating and that this would be fiscally responsible. We should take a hard look at each department, and find ways of reducing expenses through cuts, and regionalizing some services. With more money freed up we'll be able to provide services to our residents. There is no plan to replace American Greetings, or no plan to replace them, or a plan to cut \$3 million out of the budget. We need to take a hard look at each and every purchase that is made across the city to make sure it 100% makes sense, and forces us to operate each department more efficiently. He concludes we should pay cash for garbage truck and toters, and pay down more than \$176,000 of the note currently budgeted. He will be voting no on 2012-7 and 2012-8. He asked for an executive session at the end of the meeting.

**Colleen Gallagher:** Commented on the Safety Committee meeting, which addressed hoarding in the city, centralizing dispatch, and privatizing the city's ambulance service. She asked for the review of Orange Village's legislation that makes hoarder houses a public health risk, and has rental landlords clean up rental properties and make repairs. Brooklyn has a hoarding response task force, in cooperation with the County Board of Health and County Adult Family Services. Thanked Chief Mielke for addressing pros and cons of dispatching, and stated she is not opposed to discussing a central dispatch. In regard to privatization of ambulance services, more time should be given to examine the cost effectiveness. There are many questions for this type of service. She thinks it's better served by our own department, and thinks the residents also appreciate it. Congratulated resident Kevin Pucci and his debate partner for becoming the 2012 State Policy Debate Champions, and requested a proclamation be prepared for him. Extended condolences to families of Verna Swaffield and Charles Morgan. Echoed Councilman Van Kirk's comments, and will not support

Ordinances 2012-7 and 2012-8. There is no plan to replace American Greetings, and we are not prepared. Paying cash for the rubbish truck and toters is the right choice, and paying down on the note makes more sense. She is not in favor of more debt.

**Katie Gallagher:** Council's been working on the budget the last couple of months, with a number of positive experiences. Everyone's worked hard; the Mayor has worked hard for two years to get the General Fund back to a healthy balance; and she thanked city workers for continued hard work, while having cuts; and thanked the residents for their increased income tax rate. Feels Councilman Van Kirk summed everything up, and agrees we cannot continue borrowing money to subsidize state or county losses, or make up for AG's departure. She will also be voting against the notes, and should pay for the vehicle and equipment in cash, and not incur additional debt. A hard look has to be taken on the daily operations and expenditures in the city, and evaluate processes and activities, including collaborating resources with departments and neighboring communities, to give the best services to residents at the best price. When we have ideas/solutions we have to move towards implementing, as four years ago Councilwoman C. Gallagher suggested an automated collection truck. Also attended the Safety Comm. mtg. and would like to see more open dialogue with employees, as with firefighters at the meeting. She also hopes the Comm. follows through with meetings between them and the safety forces.

**Kevin Tanski:** Finding what areas in city buildings we can use and save solar energy. Met with Aaron Godwin of the Renaissance Group, and visited city buildings to see what areas can be powered by solar energy and where energy is being wasted. There were various suggestions given at buildings to utilize energy consumption. Maybe a sustainability advisory committee on energy use could be set up. He thanked the Mayor for also taking part in the meeting, and Councilwoman K. Gallagher for her support. He read a letter from Mr. Godwin recognizing opportunities for energy savings. There was also a suggestion for a windmill on the landfill property, and looking into grants.

**Tom Murphy:** Will be supporting the bond ordinances, as he feels debt can be paid down at any time. The copy of the Police Department's report on the Animal Shelter has been made available, and he briefly commented on it.

**Kathy Pucci:** Offered condolences to the families of Chuck Flanagan and Verna Swaffield. A Community Improvement Corporation (CIC) meeting will be March 14<sup>th</sup> at 3 p.m. for the closing on the former library property. Regarding the debt discussion, Brooklyn's been very conservative in issuing debt, are well below the maximum capacity, and making a last payment on one bond. Feels it's in city's best interest to roll over existing note and add the automated truck and totes. This would help us with our cash flow and protect our bond rating. It also keeps investors familiar with the city, as someday if a new police station is built we would issue a bond. Said this is a modest debt. Was unable to attend Safety Committee meeting, but stated she is opposed to privatizing our EMS, as it's a vital service for the city. Answered Ms. Bowen's question that the city's website is being designed and built by the county, though there is no date yet for it to be up and running, but anticipating sometime in June. Received a CD on the Animal Shelter investigation, and she has to go over it. Responded to Ms. Wieland's comments about the wage reduction legislation, saying the intent is not to balance the budget on the non-union employees. Said for 20 years there's been discussion on having a compensation study, and comparing with similar entities.

**Tony DeMarco:** Thanked residents who addressed Council. Has had lengthy discussions on continuing to rebuild General Fund balance and dealing with capital expenditures that have to be made. Said the reality of paying off all debt and paying cash for the new truck and toters, our financial flexibility will be drastically reduced. There have been no solutions as far as cuts, so these short term, one-year roll notes, could be paid off next year even. Some level of debt is carried to maintain financial flexibility in good and bad times. He hopes there would be reconsideration and the note ordinances pass. The interest rate on this is less than 1%. An expert from our bank has expressed their opinion, and recommended to proceed with the notes. The Mayor's goal, and his own on Council, has been to stabilize the financial situation, and that's been done. The employees have made significant sacrifices, and you cannot continue to say cut, cut, cut. Five current Councilmembers supported a Budget Stabilization Fund, so why use all the cash to pay off debt? If the note ordinances are not passed it is detrimental to the city's future. Pay attention to who votes and how they vote. Still need to address revenue problem, and not through raising taxes, but in ways to bring new businesses. Referenced an article about Independence hiring two full-time economic development directors, and said we

need to press forward and figure out how to generate more revenue. Stressed the importance of passage of the two note ordinances.

**MAYOR'S REPORT:**

**Mayor Albier:** Has learned from our current and past Finance Directors, and Key Bank advisors that paying cash is not the best way to go. We can pay more off, or all of it at another date, but at this time he hopes the note ordinances pass. In regard to BAS, the Mayor cannot tell someone to charge or not charge someone, but can give his opinion. Been in contact with the city prosecutor, who has not been able to make contact with the county prosecutor relating to charges, if any, against BAS. Hasn't been able to have the walk-thru at the building, as it was cancelled, and there are a lot of loose ends. Reported had a Coffee with the Mayor at the Senior Center which was productive. Met with 12 other Mayors and Senator Thomas Patton in regard to the issue of the state trying to take over municipal income tax. The Senator says everyone is over-reacting as there is no Bill in the House or Senate and says it's like a dead issue and worried too much about it. He and Fran took a tour of Kaplan Career Institute on Brookpark, where they teach different trades, which he also learned it is owned by the Washington Post. Attended a mtg. of the Suburban Water Regional Council of Governments, of which Brooklyn is part of the 9<sup>th</sup> region, which addressed the automatic meter readings. The Water Dept. will be starting installation of the meter readers, both inside and outside as necessary. It will be an 18 month process starting in June, with residents being notified by mail. Went to the VA opening on Saturday. Read some monthly reports (Fire, Building), available for review. Reported on a household hazardous waste lecture on May 10<sup>th</sup> at Parma City Hall at 6:30 p.m. Thanked Councilman Murphy for thinking outside of the box and holding the Safety Committee meeting.

**DIRECTORS' REPORTS:**

Rec. Mgr. McGinty:

Two dates for registration for youth baseball: March 14<sup>th</sup> (6-8 p.m.) and March 24<sup>th</sup> (10-noon). An adult co-ed softball league will be starting, call the Rec Dept. for more information.

Chief Zemek:

Commends four firefighter/paramedics who helped someone who was seriously injured while ice skating at the Rec Center. He read the thank you letter from the woman, who credits those members for actually saving her life with their expertise and compassion. The Mayor said the Chief will also be receiving a thank you letter on behalf of the Flanagan family.

Service Dir. Verba:

Received a \$3280 grant from Cuyahoga County Solid Waste District, to be used for printing informational items for the one-armed bandit.

Bldg. Comm. Ockington:

Responded to questions from last meeting regarding windmills, explaining that current zoning prohibits height of accessory structures to 15' in residential, 20' in commercial and 42' in industrial, in addition to other issues and regulations.

**PURCHASE AUTHORIZATIONS:**

-From Acting Mgr. McGinty: Approval to enter agreement with Bailey Communications to purchase computer hardware, materials and labor, to be used, with software purchase from Peak Software, to replace old cash registers. Est. cost is \$6,761. **MOTION** by Pucci, second by Tanski to approve the purchase request. **VOTE RESULTED:** *Approve:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None.

-From Service Dir. Verba: Authorize utilizing \$8,083 in contingency funds for Sr. Center ADA Accessibility Improvement Project. **MOTION** by Pucci, second by Tanski to amend the Agenda to include the request. **VOTE RESULTED:** *Amend:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci.

No: None. **MOTION** by Pucci, second by C.Gallagher to authorize the request. **VOTE RESULTED:** *Approve:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None.

**LEGISLATION:**

(President DeMarco wanted to make known his opinion on the importance of the passage of the two Notes ordinances.)

**ORDINANCE 2012-7 (3<sup>rd</sup> Reading/Adoption):** Providing for the issuance and sale of \$480,000 in notes in anticipation of the issuance of bonds to pay costs of acquiring a one-armed garbage truck and related toters. **MOTION** by Pucci, second by DeMarco to adopt. **VOTE RESULTED:** *Adopt:* Yes: Murphy, DeMarco, Pucci. No: Van Kirk, C.Gallagher, K.Gallagher, Tanski. **(NOT ADOPTED)**

**ORDINANCE 2012-8 (3<sup>rd</sup> Reading/Adoption):** Providing for the issuance and sale of \$1,500,000 in notes in anticipation of the issuance of bonds to pay costs of 1) acquiring property known as Marquardt Park to be used for recreational purposes; 2) reconstructing Biddulph Road in cooperation with the Ohio Department of Transportation between Tiedeman Road and Ridge Road; 3) acquiring and equipping a technical rescue vehicle; 4) acquiring motor vehicles for operation of the City's Police Department; 5) acquiring and installing communication equipment for the City's Police Department; 6) resurfacing city streets to be approved by City Council, together with all work incidental thereto; and 7) acquiring road servicing vehicles and declaring an emergency. **MOTION** by Pucci, second by DeMarco to adopt. **VOTE RESULTED:** *Adopt:* Yes: Murphy, DeMarco, Pucci. No: Van Kirk, C.Gallagher, K.Gallagher, Tanski. **(NOT ADOPTED)**

**ORDINANCE 2012-9 (2<sup>nd</sup> Reading):** Annual Appropriations. To make appropriations for current and other expenditures of the City of Brooklyn, State of Ohio, for the period January 1, 2012 to December 31, 2012. **MOTION** by Pucci, second by Demarco to amend pursuant to the new Exhibit A attached. **VOTE RESULTED:** *Amend:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. **(ON SECOND READING, AS AMENDED)**

**ORDINANCE 2012-12 (2<sup>nd</sup> Reading):** Authorizing the sale of certain city owned vehicles through the Greater Cleveland Auto Auction, Public Auctioneers, for the purpose of disposing of city vehicles and equipment at public sale. **(ON SECOND READING)**

**ORDINANCE 2012-14:** Authorizing the purchase of software, training and support for use by the Recreation Department. **MOTION** by Pucci, second by K.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. *Adopt:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. **(ADOPTED)**

**ORDINANCE 2012-15:** Amending Section 1 of Ordinance #2010-51, as amended by Ordinances 2010-65, 2011-1, 2011-36 and 2011-60, entitled, 'Establishing a Temporary Moratorium on the acceptance and processing of applications for permits for sweepstakes terminal cafes, or any premises that wishes to contain computerized sweepstakes devices, and the issuance of such permits; and declaring an emergency." **MOTION** by Pucci, second by DeMarco to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. *Adopt:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. **(ADOPTED)**

**ORDINANCE 2012-16:** Authorizing the Mayor to enter into a contract with the City of Cleveland for the use of the Ridge Road Transfer Station for the disposal of solid waste. **MOTION** by Pucci, second by C.Gallagher to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. *Adopt:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. **(ADOPTED)**

**ORDINANCE 2012-17:** Authorizing the purchase of one 2012 Chevrolet Malibu for use by the Senior Center. **MOTION** by C.Gallagher, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the*

*Rules:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. *Adopt:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. **(ADOPTED)**

**ORDINANCE 2012-18:** Authorizing the Mayor to enter into a Real Estate Purchase Agreement with Gateway Park, LLC for the right-of-way property related to the Memphis Industrial Parkway. **MOTION** by Pucci, second by Van Kirk to amend (pg.2-#9 – strike 'executive' and insert 'executed'.) *Amend:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. **MOTION** by Pucci, second by Tanski to suspend the rules. **VOTE RESULTED:** *Suspend the Rules:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. *Adopt, as amended:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. **(ADOPTED)**

Councilwoman Pucci thanked the Brooklyn Library's manager, Mark McKinstry, who is being transferred to another branch; and also wants to recognize his efforts for Brooklyn and thank him for all he's done.

Councilman Van Kirk defended his votes on Ordinances 2012-7 and 8. He feels it's in the best interest of city during uncertain economic times to be debt free. Council has to spend every dollar wisely and in the best interest of the city. All Council has the best interest of Brooklyn at heart, though not agree on issues. Also asked to go into Executive Session for pending litigation.

President DeMarco disagreed with Councilman Van Kirk's assessment, saying this isn't the best use of the city's cash, and said to mark this date down, because this will have to be re-visited sometime in the future.

**MOTION** by Van Kirk, second by K.Gallagher to go into Executive Session for potential litigation, with the Mayor and Law Director. **VOTE RESULTED:** *Executive Session:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None.

**MOTION** by C.Gallagher, second by Van Kirk to reconvene. **VOTE RESULTED:** *Reconvene:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. **MOTION** by Van Kirk, second by Pucci to adjourn. **VOTE RESULTED:** *Adjourn:* Yes: Van Kirk, C.Gallagher, K.Gallagher, Tanski, Murphy, DeMarco, Pucci. No: None. **(ADJOURNED)**

(approved)

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Asst. Clerk of Council

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President of Council